
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

MARIA E. WINDHAM, as Receiver for
Marquis Properties, LLC,

Plaintiff,

v.

CRAIG MARTIN SHULTS, et al.,

Defendant.

MEMORANDUM DECISION AND
ORDER DENYING MOTION TO
APPOINT COUNSEL

Case No. 2:18-cv-62 DB

District Judge Dee Benson

Magistrate Judge Brooke Wells

This matter is referred to the undersigned from Judge Dee Benson in accordance with 28 U.S.C. 636(b)(1)(A).¹ Defendant, Gordon Bolster, moves the court for the appointment of counsel.² Mr. Bolster seeks to get a “pro bono Public Defender appointed” to defend him.³ In support Mr. Bolster notes that his assets and retirement funds were stolen and he is currently living on social security.

The court is sympathetic to Defendant’s hardships, however, a party in a civil action has no constitutional right to the appointment of counsel.⁴ Moreover, this suit is related to a real estate Ponzi scheme and is one of several “claw back” lawsuits concerning the scheme.⁵ As such

¹ ECF No. 80.

² ECF No. 81.

³ Mtn p. 1.

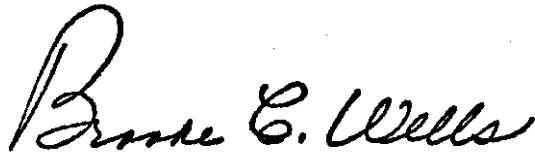
⁴ See *Durre v. Dempsey*, 869 F.2d 543, 547, 1989 WL 16317 (10th Cir. 1989); *Bethea v. Crouse*, 417 F.2d 504, 505 (10th Cir. 1969) (“We have often said, and it seems to be universally agreed, that no one has a constitutional right to assistance of counsel in the prosecution or defense of a civil action.”).

⁵ See Complaint p. 2, ECF No. 2.

there are not any special considerations for the appointment of counsel like in an employment discrimination case.⁶

Accordingly, Mr. Bolster's motion is DENIED.

DATED this 18 January 2019.

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive style with a large, stylized "B" and "W".

Brooke C. Wells
United States Magistrate Judge

⁶ See *Castner v. Colorado Springs Cablevision*, 979 F.2d 1417, 1421 (10th Cir. 1992) (noting factors that are relevant in determining whether to appoint counsel for a civil litigant in a Title VII action).